

REMARKS/ARGUMENTS

Claims 1-39 are pending in the present application.

This Amendment is in response to the Office Action mailed September 9, 2004. In the Office Action, the Examiner objected to specification and the drawings, rejected claims 10, 14, 15-24, 22 under 35 U.S.C. §112 and claims 1-39 under 35 U.S.C. §102(b). Applicants have amended claims 10, 13, 22, 26, 28, 31, 33-37. Applicants submit that the newly-added claims introduce no new matter. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Specification

1. The Examiner objected to the specification due to minor informalities. Specifically, item 24 in Figure 2 is referred to as “demultiplexer” in the figure and “transport IC” in the specification. Applicants have amended Figure 2 to change the label “demultiplexer” to “transport IC” to properly describe the device.

In addition, the second full paragraph of page 6 has been amended to eliminate the duplicated description, and include the reference to item 34.

Applicants respectfully request that the objection to the specification be withdrawn.

Drawings

1. The drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they include the following reference characters not mentioned in the description: 1R and 34. In response, Applicants has amended: (1) Figure 1A to remove the reference character 1R, and (2) page 6 of the specification to include the reference character 34.

2. The drawings are objected to under 37 C.F.R.1.84 for unacceptable margin sizes, lines, numbers and letters , reference characters. However, the Examiner did not specifically point out the Figure number(s) to which the objections are directed. Applicants have amended Figures 8 and 10.

Accordingly, Applicants respectfully request the objection to the drawings be withdrawn.

Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 10, 14, 15-24, 22 under 35 U.S.C. §112, second paragraph due to informalities. Applicants have amended claims 10, 14, and 22 to correct the claim dependency.

Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §112 be withdrawn.

Rejection Under 35 U.S.C. § 102

1. In the Office Action, the Examiner rejected claims 1-39 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,532,754 issued to Young et al. ("Young"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of anticipation. To anticipate a claim, the reference must teach every element of a the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

Young does not disclose, either expressly or inherently, (1) providing a plurality of upcoming program information display options on a display options menu, (2) receiving the selected upcoming program information display options, and (3) display the upcoming program information.

Young discloses a background television schedule system. A background mode for the electronic guide presents several lines of guide information, typically occupying the bottom quarter of the screen, overlaying the current television program (Young, col. 21, lines 61-65). The background mode enables the viewer to manually or automatically scroll through pre-selected portions of the schedule information (Young, col. 21, lines 65-67). The guide session allows the user to open the background guide respectively, interleaved with non-background guide activities (Young, col. 22, lines 32-35). During a session, specific setup criteria for the background is persistent and stored in electronic memory (Young, col. 22, lines 36-37). This

may include the time period over which the listings are scrolled, whether the scrolling is manual or automotive, the channel of the last listing, whether sorting by them or by favorite channel has been setup (Young, col. 22, lines 37-41).

The setup screen shown in Figure 25 in Young merely shows the setup for the background schedule guide (Young, col. 22, lines 47-49). It does not show the upcoming program information display options. It merely allows the user to scroll though preselected portions of the schedule information (Young, col. 21, lines 65-67), or to set up criteria. The use may select scroll current listings for all channels, school listings for current channel, etc. or change the time period for the listing (Young, col. 21, lines 18-35). Scrolling listings is not the same as showing upcoming program information display options, displaying upcoming program information. Scrolling requires the user to interact with the system while displaying upcoming program information does not require user to scroll.

Regarding claims 2-4, the Examiner refers to Figure 21 which shows a front panel for a remote controller of the schedule system (Young, col. 16, line 59-60). This is not related to Figure 25 which shows the setup screen as the basis of the Examiner's rejection.

Regarding claim 5, Young discloses that the setup screen occupies all of the television screen (Young, col. 22, lines 47-49), making it impossible to be a pop-up screen. Even if the setup screen occupies only the same portion as the background guide (Young, col. 24, lines 15-18), it is not a pop-up window.

Regarding claim 9, Young merely discloses that a session is completed if the background guide has not been accessed for a certain period of time (Young, col. 2, lines 44-46). This is not the same as not displaying the upcoming programming information after expiration of the specified amount of time. The display of the background guide is controlled by pressing the background guide command, not by the completion of a session (Young, col. 23, lines 15-17).

Therefore, Applicants believe that independent claims 1, 13, 25, 30, 35 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §102(b) be withdrawn.

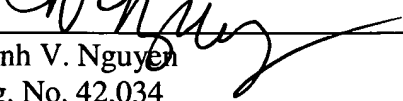
Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: January 10, 2005

By 
Thanh V. Nguyen
Reg. No. 42,034
Tel.: (714) 557-3800 (Pacific Coast)

Attachments

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025


CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ *deposited with the United States Postal Service
as first class mail in an envelope addressed to:
Commissioner for Patents, PO Box 1450,
Alexandria, VA 22313-1450.*

Date: 01/10/2005


Pat Sullivan

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1A, 2, 8, and 10. These sheets, which include Figures 1A, 2, 8, and 10, replace the original sheet including Figures 1A, 2, 8, and 10.

Attachment: Replacement Sheets
 Annotated Sheets Showing Changes

Appl. No. 09/770,995
Amdt. Dated 12/09/2004
Reply to Office action of 09/09/2004
Annotated Sheet Showing Changes

Sheets showing changes for Figures 1A and 2

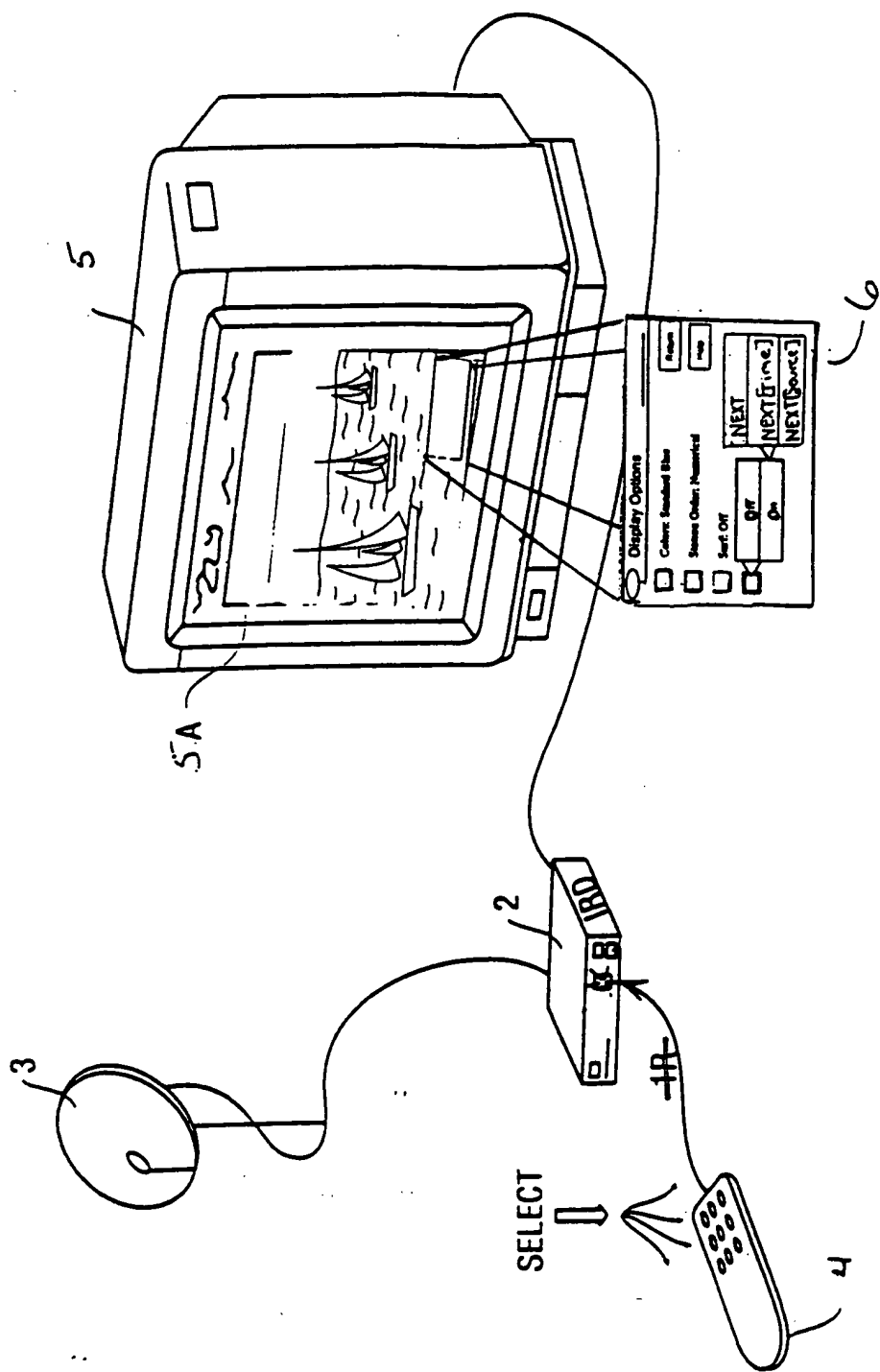


FIG. 1A

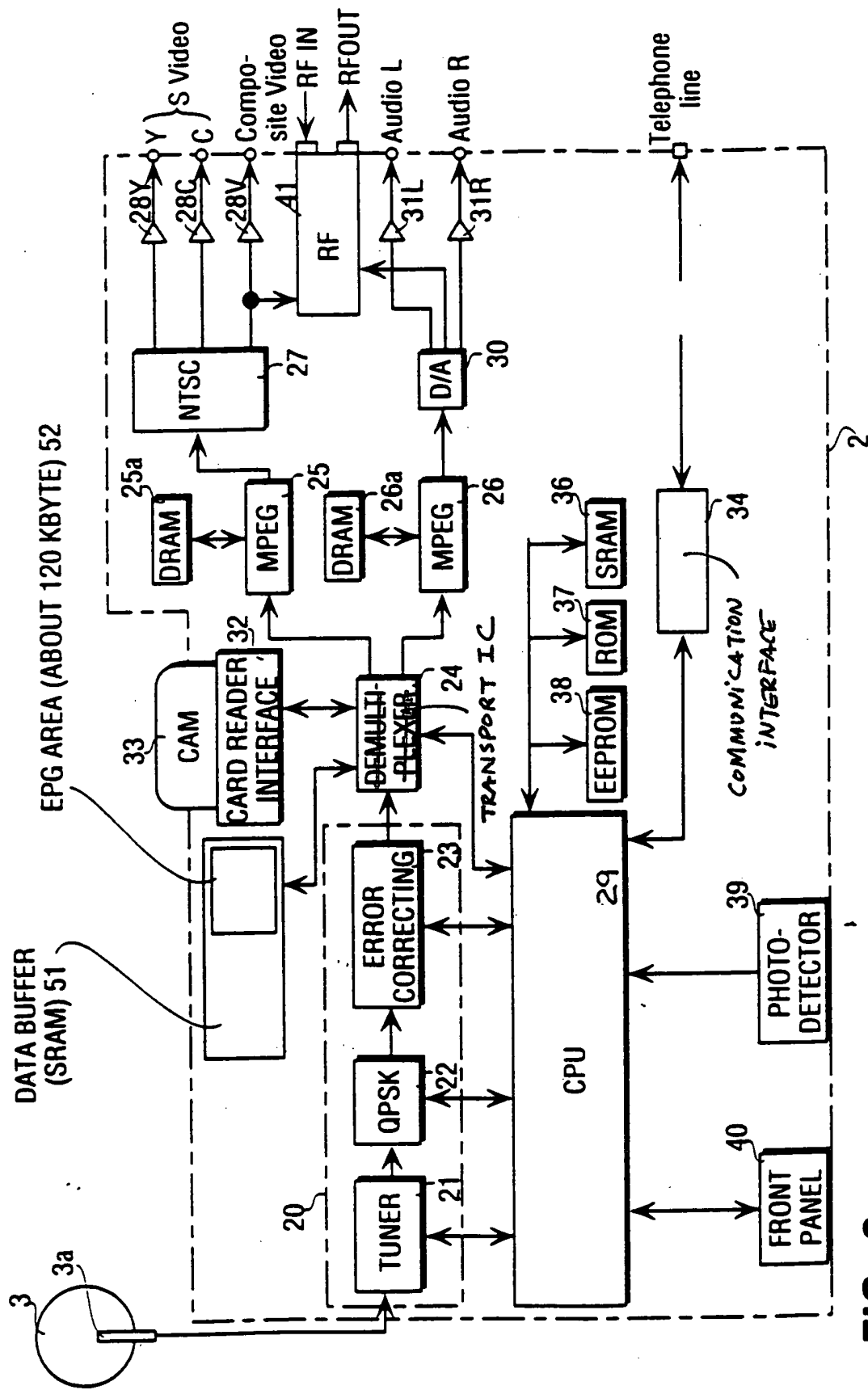


FIG. 2



Appl. No. 09/770,995
Amdt. Dated 12/09/2004
Reply to Office action of 09/09/2004
Replacement Sheet
APPENDIX A

Replacement Sheets for Figures 1A, 2, 8, and 10